

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: ) Previous Group Art Unit: 3731  
RICHARD GINN ) Previous Examiner: G. Phanuphand  
Serial No.: Not Yet Assigned )  
Filed: Herewith (December 11, 2003) )  
For: Needle Apparatus for Closing Septal )  
Defects and Using Such Apparatus )

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**INFORMATION DISCLOSURE STATEMENT**

MAIL STOP IDS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement (“IDS”) are brought to the attention of the Office. The items are listed on the attached form PTO-1449. This is a divisional application and the items identified in this application were previously submitted under Application Serial No. 09/948,453 filed on September 7, 2001. Thus, no copies of the cited references are enclosed.

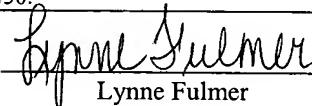
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CERTIFICATE OF MAILING  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to the MAIL STOP IDS Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Express Mail No.: EV 339737934 US  
Date of Deposit: December 11, 2003  
DOCSOC1:145515.1  
704117-1 J2G

  
Lynne Fulmer

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required. Thus, no copies of the cited references are enclosed.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

The fee due under 37 CFR § 1.17(p) is submitted herewith.

A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

**STATEMENT UNDER 37 CFR § 1.97(e):**

Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).

Please charge \$0.00 to Deposit Account No. 150665 for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe LLP's Deposit Account No. 150665.

Respectfully submitted,

ORRICK HERRINGTON & SUTCLIFFE LLP

Dated: December 11, 2003

By: 

James W. Geriak, Reg. No. 20,233

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Irvine, CA 92614  
949/567-6700 Telephone  
949/567-6710 Facsimile

LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S  
INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

ATTY. DOCKET NO.  
704117.4006SERIAL NO.  
Not Yet AssignedAPPLICANT:  
Richard GinnFILING DATE:  
Herewith ( )PREVIOUS GROUP:  
3731

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
	US2003/0145865	8/2003	Sterman et al.			
	6,458,100 B2	10/01/2002	Roue et al			
	6,319,263 B1	11/20/2001	Levinson			
	6,290,674 B1	09/18/2001	Roue et al.			
	6,270,515 B1	8/7/2001	Linden et al.			
	6,231,561	5/15/2001	Frazier et al.			
	6,206,907 B1	3/27/2001	Marino et al.			
	6,080,182	6/27/2000	Shaw et al.			
	6,077,291	6/20/2000	Das			
	6,077,281	6/20/2000	Das			
	6,071,292	6/6/2000	Makower et al.			
	6,036,720	3/14/2000	Abrams et al.			
	6,007,563	12/28/1999	Nash et al.			
	5,944,738	8/31/1999	Amplatz et al.			
	5,941,899	8/24/1999	Granger et al.			
	5,919,200	7/6/1999	Stambaugh et al.			
	5,908,428	6/1/1999	Scirica et al.			
	5,879,366	3/9/1999	Shaw et al.			
	5,702,421	12/30/1997	Schneidt			
	5,334,217	8/2/1994	Das			
	5,108,420	4/28/1992	Marks			

PREVIOUS EXAMINER:  
G. Phanuphand

DATE CONSIDERED:

EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant

LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S  
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Not Yet AssignedAPPLICANT:  
Richard GinnFILING DATE:  
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3731


## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES      NO
	WO 01/21247	2000	PCT			
	WO 99/02100	1997	PCT			
	0 432 320 A1	1989	EPO			
	WO 98/02100	1/22/1998	Anson Medical Ltd.			

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)


PREVIOUS EXAMINER: G. Phanuphand	DATE CONSIDERED:
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EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant